

Serial Number _____

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed within one-half mile of known bald eagle nest sites which have been active within the past seven years and within bald eagle nesting habitat in riparian areas.

On the lands described below:

For the purpose of:

To protect bald eagle nesting sites and/or nesting habitat in accordance with the Endangered Species Act (ESA) and the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan which demonstrates the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action can affect the bald eagle or its habitat, consultation with the U.S. Fish and Wildlife Service (FWS) will be required prior to a final determination on the exception.

Modification: The boundaries of the stipulated area can be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be occupied without adversely affecting bald eagle nests or nesting habitat.

Waiver: This stipulation can be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting bald eagle nests or nesting habitat, or if the bald eagle is declared recovered and is no longer protected under the ESA.

NSO 11-6
Billings Field Office
Miles City Field Office
South Dakota Field Office
Dillon Field Office